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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/040,771	01/09/2002	Christoph Raber	0756 C PCT Cont. US	3604
20676	7590	05/09/2006	EXAMINER	
ALFRED J MANGELS 4729 CORNELL ROAD CINCINNATI, OH 452412433			BONCK, RODNEY H	
			ART UNIT	PAPER NUMBER
			3681	

DATE MAILED: 05/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<p align="center"><b>Office Action Summary</b></p>	<p><b>Application No.</b></p> <p align="center">10/040,771</p>	<p><b>Applicant(s)</b></p> <p align="center">RABER, CHRISTOPH</p>	
	<p><b>Examiner</b></p> <p align="center">Rodney H. Bonck</p>	<p><b>Art Unit</b></p> <p align="center">3681</p>	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 March 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3-11,13-87,90-96,98-108 and 111-114 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,3,4,6-11,13-57,60-87,90-96,98-108,111,112 and 114 is/are allowed.
- 6) ☒ Claim(s) 113 is/are rejected.
- 7) ☒ Claim(s) 5,58 and 59 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 March 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| <p>1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)</p> <p>2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</p> <p>3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br/> Paper No(s)/Mail Date _____.</p> | <p>4) <input type="checkbox"/> Interview Summary (PTO-413)<br/> Paper No(s)/Mail Date. _____.</p> <p>5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)</p> <p>6) <input type="checkbox"/> Other: _____.</p> |
|---|---|

## **DETAILED ACTION**

The following action is in response to the amendment received March 31, 2006.

### ***Drawings***

Receipt is acknowledged of the replacement sheets and new sheet of drawings filed March 31, 2006. The proposed replacement sheets are approved for entry. The proposed new sheet is not approved, however, because it includes new matter.

The drawings remain objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the turbine of claim 72 and the collet of claim 113 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an

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application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

The amendment filed March 31, 2006 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: Proposed new Fig. 2a introduces new matter. Similarly, the new paragraph added to page 43 between lines 20 and 21 in support of the new figure constitutes new matter.

Applicant is required to cancel the new matter in the reply to this Office Action.

### ***Claim Objections***

Claims 5, 58, and 59 are objected to because of the following informalities:

In claim 5, "said- first" should be – said first --.

In claim 58, "inclu4ing" should be – including --.

In claim 59, "energy l storing" apparently should be – energy storing --.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 113 is rejected under 35 U.S.C. 102(b) as being anticipated by Robertson('325). Robertson discloses (see particularly Fig. 7) an apparatus for effecting relative movements between first and second parts comprising on tracking device 42 fixed relative to a first part 14 and a helix non-rotatably associated with the second part 10 and having a plurality of convolutions 18. The tracking device has a portion extending between at least two of the convolutions. Ribs 46 provide means for turning one part relative to another and a collet chuck is provided at 12 to radially clamp workpiece 16 and to receive motion from one of the first and second parts.

***Double Patenting***

The terminal disclaimer filed January 10, 2006 has been approved and overcomes the previous rejection based on obviousness-type double patenting. Accordingly, the rejection is withdrawn.

***Allowable Subject Matter***

Claims 1, 3, 4, 6-11, 13-57, 60-87, 90-96, 98-108, 111, 112, and 114 are allowed.

Claims 5, 58, and 59 would also be allowable if rewritten to overcome the objections noted above.

***Response to Amendment***

The proposed drawing correction and additions to the description constitute new matter. Accordingly the objection to the drawing for failing to show the subject matter of claim 113 is repeated. It has also been noted that the turbine of claim 72 is not shown.

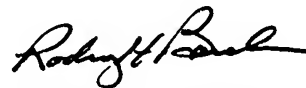
Claim 113 had previously been indicated as allowable. In view of new prior art that has come to the examiner's attention, however, that indication of allowability is vacated.

In view of the approval of the terminal disclaimer filed January 10, 2006, the obviousness-type double patenting rejection is withdrawn. Since claim 1 is allowable, the requirement for election of species is withdrawn, and those claims that depend directly or indirectly from claim 1 are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rodney H. Bonck whose telephone number is (571) 272-7089. The examiner can normally be reached on Monday-Friday 7:00AM - 3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles A. Marmor can be reached on (571) 272-7095. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Rodney H. Bonck  
Primary Examiner  
Art Unit 3681

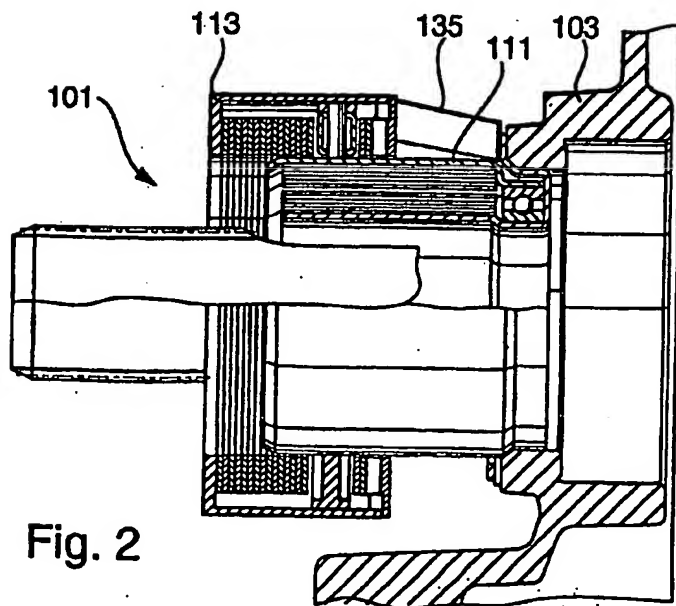
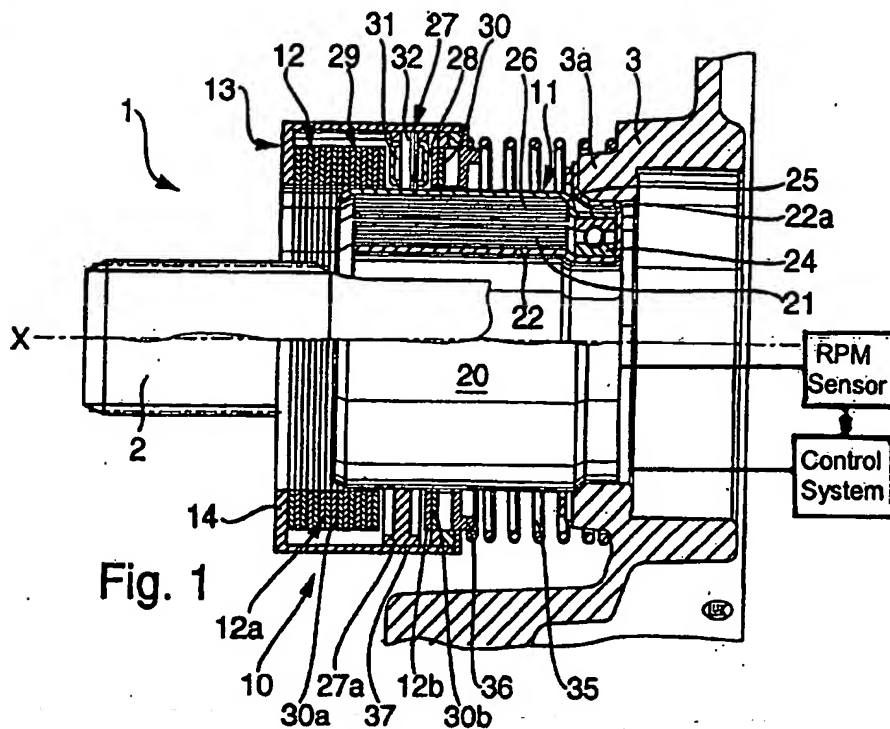
rhb  
May 8, 2006

Approved  
OAB  
5/8/06

# REPLACEMENT SHEET



1/16





Approved  
5/8/06

# REPLACEMENT SHEET

2/16

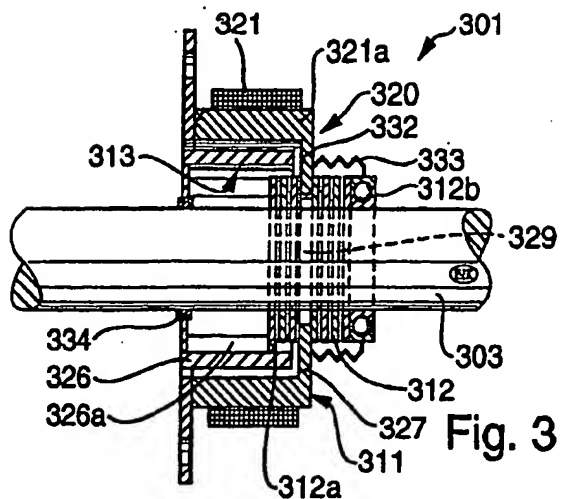


Fig. 3

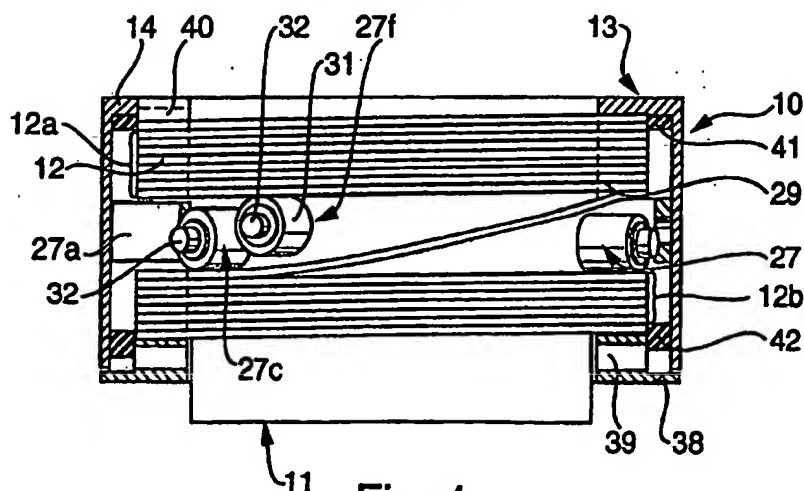


Fig. 4

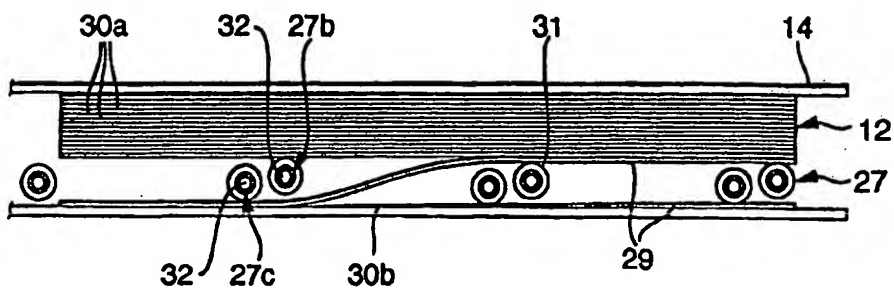
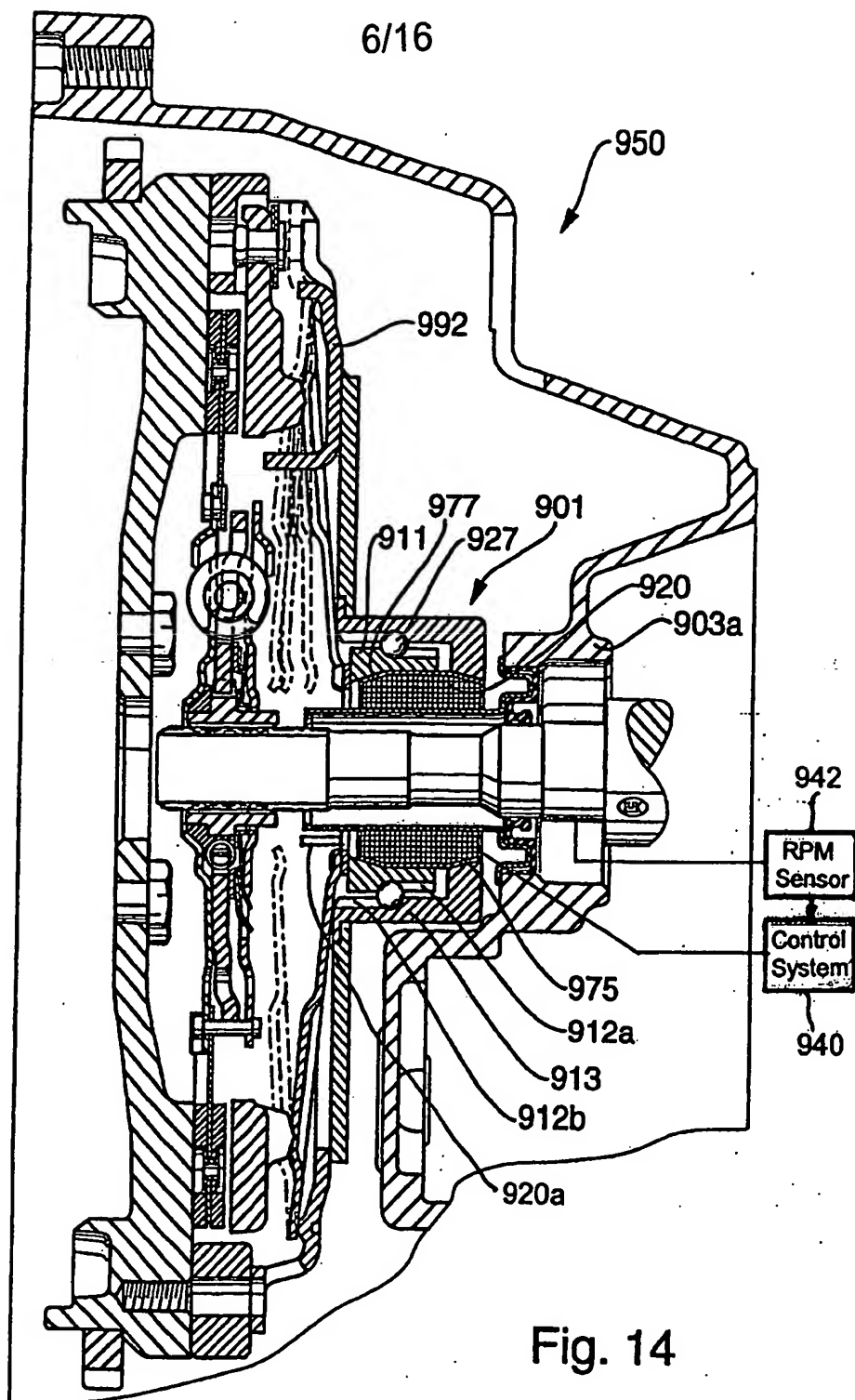


Fig. 5

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REPLACEMENT SHEET



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8/17/06  
9/9/06

REPLACEMENT SHEET

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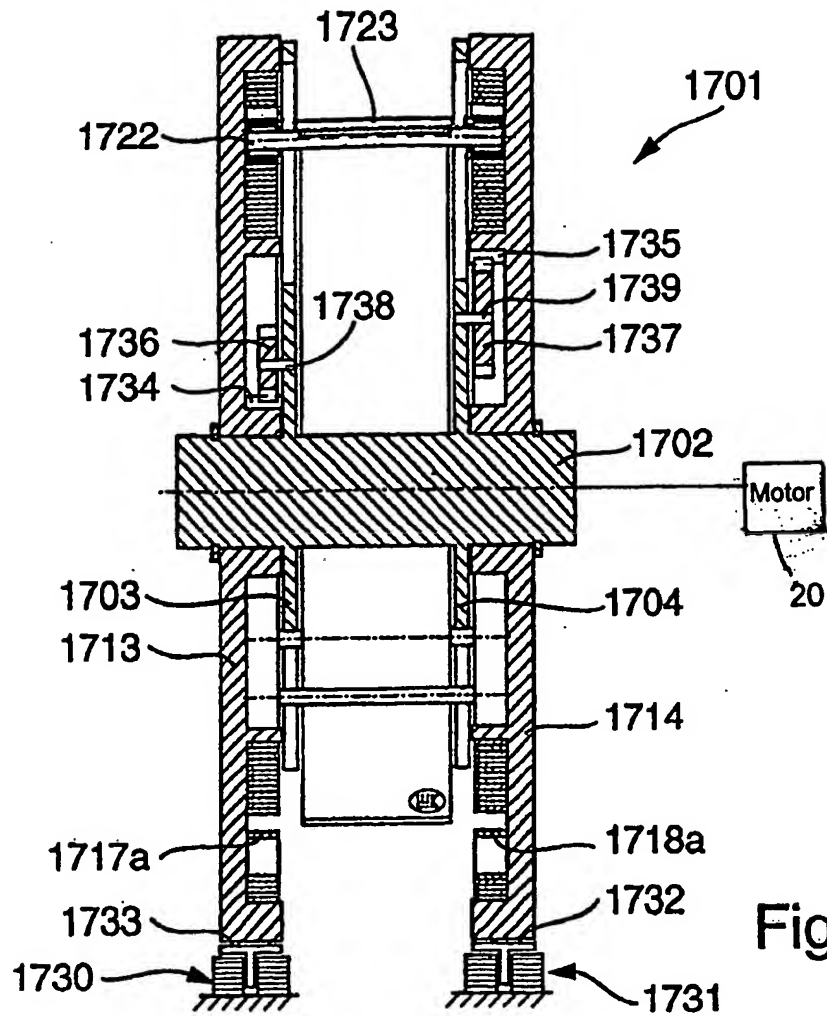


Fig. 26

1.1/16

